

FERNALD CHARGES LEAD TO HEARING

Commissioners Ask P. J. Brennan to Talk Next Thursday.

Desire to Know His Views on Division of Contracts.

Following a conference, the Commissioners today decided to give a public hearing next Thursday morning at 11 o'clock, at which P. J. Brennan, whose charges against Charles Fernald, of the Engineer Department, resulted in a call for that official's resignation, will be given an opportunity to express his views regarding the division of certain contracts for street paving work, and the reasons therefor.

It has come to the ears of the Commissioners that Mr. Brennan has circulated the report that the award of the contracts was not made in accordance with the rules of equity. In order, therefore, to get at the bottom of the matter, the Commissioners have decided to permit Mr. Brennan to present his side of the case before the full board of Commissioners and in the presence of all persons interested.

Major Morrow Speaks.

In a statement issued today, Engineer Commissioner Morrow said: "I know that Mr. Brennan has for this year been harboring this resentment against the office and has been talking with a great many people of this decision as a 'raw deal,' and I regret that he has seen fit to consider it in this light. His attitude and statements are directly responsible for the charges made in connection with the recently opened bids for the paving of First street and in the discussion in connection with this matter he invited our attention to some grave irregularities charged against Mr. Fernald, and which have resulted in Mr. Fernald's separation from the office."

"The statements which Mr. Brennan has made about Mr. Fernald may be true. I do not believe that they are, but I do believe that Mr. Brennan believes that they are. They were, however, of such a character that the office could not overlook them, and Mr. Fernald's resignation was requested and accepted."

"The Commissioner has a chance to be completely heard anew in the matter, at a public hearing, fixed at my motion for next Thursday."

"I desire to make my position clear, that if there are any irregularities in the Engineer Department, they are not one more interested in finding them out than I am, nor is there any one who would favor taking more drastic action to put a stop to them than I will. I note certain statements in the press this morning which, I believe, should be replied to in detail."

He Explains Statements.

"It is stated that the Commissioners revoked an award to the Cranford Paving Company recently protested against by the Beall Construction Company, and suggests that the reason of this revocation was on account of an irregularity in opening the bids, rather than upon the probably adverse ruling of the Comptroller that might be expected in the matter. The District Auditor, having, subsequent to the Commissioners' decision to award this contract to the Cranford Paving Company, stated to the Engineer Commissioner his doubt that the Comptroller would pass payments under this contract where the formalities of public advertisement had not been followed."

"In regard to this particular case, I wish to state that when the charges of the Beall Construction Company of favoritism were received by the Commissioners, an investigation by the Board of Commissioners was at once made, at which Mr. Beall and Mr. Smith, of the Beall Construction Company, were present, as were Captain Markham, Mr. Hunt, and Mr. Fernald, of the Engineer Department, and also Messrs. Joseph and Percy Cranford, of the Cranford Paving Company."

"As a result of this investigation the Commissioners issued an order awarding the contract to the Cranford Paving Company, the lowest bidder. By reason of the probable adverse action of the Comptroller, as outlined above, the suggestion of the District Auditor, and for no other reason, the Commissioners countermanded the order awarding the contract to the Cranford Paving Company, and the work is now being formally advertised for new proposals."

CAPT. BUTT ORDERED HERE.

Capt. Archibald W. Butt, formerly depot quartermaster in this city, has been relieved from duty at Havana, Cuba, and ordered back to this city to report to the Quartermaster General of the army for duty in his office. Captain Butt will be relieved by Capt. Stanley H. Ford.

RAYNER'S PHILIPPIC STRIKES PRESIDENT

(Continued from First Page.)

make the term commerce include everything contained in the vocabulary. He declared one of the most extreme instances of the tendency to distort the delegated powers of the Constitution was exemplified in the Beveridge child-labor bill. He held there was no war against regulating labor that produced commerce in the fashion proposed by this bill, and said Senator Beveridge had stepped out so far ahead of his party in this matter that the President, after following him through his message last year, had sounded a slow retreat.

Against Business Regulation.

Passing from child labor, Senator Rayner denounced the movement to put every commercial enterprise and business transaction under Federal supervision. He declared it a "monstrous proposition," and said he had no doubt the Supreme Court would declare it unconstitutional. He objected to the attempt to insert any such doctrine in the Democratic platform.

Still more startling, said Senator Rayner, was the proposition to control the interstate railways through the post-offices and postroads clause of the Constitution, which the President advocated. "This suggestion of the President," he maintained, "proceeds beyond anything in the line of Federal centralization that has ever been advanced since the Constitution was adopted."

Secretary Root's doctrine that if the States do not come to the rescue of the Federal Government, when "an emergency arises for the exercise of Federal power, ways will be found to give the Federal Government the right to exercise the power that it proposes whether within the delegated powers or not was pronounced "the most startling and dangerous doctrine ever announced before the American people."

Just Missed Disaster.

Alluding to the California-Japan school controversy, he declared:

"I want to say to the Senate now that in my opinion if it had not been for concessions that the State of California made, or for concessions that the foreign government made, either one or the other—I know not which—when this controversy was at its height, we would have had a conflict over this question, led by the President and his Secretary, the result of which and its disastrous consequences it would have been found impossible to foresee."

Outlining his view of what the Democratic platform should contain, Senator Rayner said he would construct a "Democratic platform, one that would 'ring with the martial music of the ancient days' and that he would not 'hang our heads upon a willow tree.' He would continue the contest against protective tariff, would oppose despoliation of helpless races, would declare against executive usurpation, would stand for enforcement of every Federal statute and for putting the law in force against every industrial monopoly."

Limit President to One Term.

"I would limit the Presidential office to a single term," he said, "and would further proclaim that no President should have the right to determine the selection of his successor through the use of Federal patronage."

"Above everything else, however, I would add a plank declaring that there is no such thing as an unwritten constitution of the United States, and that it is a treasonable act to insert into it, whether by judicial construction or otherwise, any power or grant that is not contained within the limitations of the instrument, and that no Commonwealth of the Union should be interfered with in the exercise of its sovereignty."

foreign functions within its own jurisdiction, and that the guaranty of the tenth amendment to the Constitution is maintained, must stand inviolate and unimpaired."

"I know it is claimed that the people are in favor of a strong centralized Government and of an Executive with imperial prerogative, and I also claim that the contest will be lost if we insist upon maintaining the rights of the states or weakening the power of the President, and that we ought to abandon the question of constitutional rights and accept the new revelation that has been vouchsafed to us under the present Administration."

President's Revelation.

"We are told that the men who made the Constitution did not comprehend what it meant, and that the President is the oracle who has relieved it of its mysteries and unfolded its true interpretation, and we are admonished that inasmuch as he has been granted and commended by prominent leaders of our party that his version of the Constitution has been approved, and that we ought to hail him as our prophet and deliverer."

"This is a transcendent position for the Democratic party to occupy. Speaking for myself, I regret that I cannot accept his Messiahship, and I respectfully raise the standard of revolt."

"The trouble with the President is—and I always speak of him not only deferentially, but with great personal respect—that he regards himself as vested with unlimited executive power under the Constitution. I presented this aspect of the subject in full to the Senate at the last session, and if I ever demonstrated anything in my life, I think that I satisfied the Senate on that occasion the article in the Constitution that vests executive power in the President is simply a distribution and not a grant of power, and that he grant lies entirely in the specifications of the instrument."

"Notwithstanding the attitude of the President in reference to his constitutional prerogative, which is at utter war with every Democratic principle and tradition, an attempt has been made within our party to place us in a situation upon this subject which is almost inextricable."

Scores Roosevelt Democrats.

"Some of our prominent leaders, with unrestrained exultation, have applauded the President to the echo, and have measured terms with the revised edition of the Constitution of the United States. A wild and frantic hosanna lately pealed forth in an adjoining chamber from Democratic bosoms as a message replete with the assumption of unlawful executive authority resounded through the hall."

"In view of this complication I would like an answer to this question, and, perhaps, some one can enlighten me upon it: If the President should be nominated by the next Republican convention, would our spokesmen and orators say who have become disciples of his creed and in worshipful idolatry have bowed at his shrine?"

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HER NUPTIAL KNOT TAWNEY IN ROOM; CAN'T BE SEVERED INJURIES PAINFUL

Grandpa Calmed When the Elopers Promise to Return to Studies.

NEW YORK, April 23.—Though grandpa Farwell, who came all the way from Canada for the purpose, is unable to annul the marriage of his granddaughter Florence to Roy Hosmer McGibbon, the couple today consented to wait two years before settling down to married life. If they then are of the same mind they will be married all over again and receive their respective parental and grandparental blessings.

In the meantime the bride will remain at the Fifth avenue boarding school from which she fled to the altar with Roy, who, in turn, will return to McGill College, in Canada, until he can write M. D. after his name. The accomplishment of this end will require him to go back to his studies until 1910.

This satisfactory state of affairs was attained only after the girl's grandfather, William Farwell, had hurried here from Sherbrooke, Canada. Her father, a Canadian with a string of banks, is traveling in Egypt with her mother.

Mr. and Mrs. McGibbon were married at the Marble Collegiate Church on Tuesday after the latter had eluded a chaplain with whom she had gone "shopping." She is nineteen and her husband only twenty-one, and, on the ground of their youth, it had been hoped to annul the match. But the law was inexorable, and married they will remain.

GLASPING HIS SWORD, MORGAN RAIDER DIES

NEW YORK, April 23.—With a smile on his face and clasping to his breast a sword which he had carried as one of Morgan's raiders in the civil war, Col. William S. S. Warwick was found dead in his little apartment in the top floor of a rooming house at 2711 Arthur avenue, the Bronx.

Warwick was once affluent and entertained visitors to New York in splendid style, but disastrous losses reduced him to penury. The discovery was made by an old negro "mammy" whom Warwick had brought from the South years ago when he was prosperous. The old negro did not desert him in his poverty, but carried his rolls and coffee to him every morning and took care of his apartment.

Warwick was said to be a cousin of Senator Daniel of Virginia and a brother-in-law of Signor Ardit, once a famous composer.

Motorman Who Ran Into Car Dismissed by Judge Mulwony.

Representative James A. Tawney, who was injured in a street car accident at Pennsylvania avenue and Four-and-a-half street yesterday, is confined to his room at the Shoreham Hotel today, and it will probably be several days, before he will be able to attend to his duties at the Capitol. Mr. Tawney is suffering from painful injuries to his left side, and his shoulder was badly wrenched.

"Every muscle in my body is sore," said Mr. Tawney today, "and it is very hard for me to move around. My shoulder pains me considerably, but the doctor has not as yet determined whether there are any internal injuries."

Benjamin F. Oden, secretary to Representative Flood of Virginia, who was also injured in the collision, is confined to his home, 123 L street northwest. Mr. Oden is suffering from shock and contusions of the back. While not regarded as serious, Mr. Oden's injuries are very painful, and he will be obliged to remain at home for several days.

Although badly shaken up when the two cars came together, Representative John Chaney was not much hurt and was able to be at the Capitol today. Motorman A. E. Knighton, in charge of the Fourth street car which ran into the Navy Yard car, was arraigned in the Police Court this morning for an alleged violation of the police regulations. It being charged that he did not maintain a distance of 100 feet from the car ahead. The case was dismissed by Judge Mulwony, as there was no evidence to show that Knighton crowded the other car.

TO NORFOLK BY BOAT AN ENJOYABLE TRIP

Few visitors to the Capital neglect to make the trip down the Potomac to Old Point and Norfolk via the handsome Norfolk and Washington steamers. There is interest as well as enjoyment in this side excursion. In the country's infancy the Old Dominion played as important a part as it did in ensuing years, and there are historical associations for practically every foot of the region surrounding Norfolk and Fort Monroe.

The latter is an attractive place for additional reasons, being a military and naval resort of national prominence. It has noted hotels, and every provision is made for the entertainment of the tourist.

The Norfolk and Washington steamers maintain daily service the year round, sailings being made at 6:30 p. m. the trip requiring about twelve hours. Boston and New York steamers make convenient connections at Norfolk, and there are train connections for points South. Tickets and information may be had at Seventh street wharf and at 705 Fourteenth street.

HELIE HAS HARD JOB DODGING REPORTERS

NAPLES, April 23.—If Prince Helie de Sagan wants to elude the reporters he mustn't advertise his schemes for doing it. His announcement last night that he had a plan by which he thought he and Mme. Gould could dodge reporters has had the effect of redoubling the latter's vigilance. Today they will not permit him out of sight. Watch is kept over him in relays, and double and twist as he may the prince has a newspaper man on his trail constantly.

De Sagan complained bitterly when he first landed from New York that the American reporters had made his life a burden. Their French and Italian brothers have been just as troublesome, he admits, however, since his return to Europe.

TEMPLARS PLAN SESSION.

Delegations from England and northern Europe will attend the session of the International Supreme Lodge of the Order of Good Templars to be held in Washington, beginning June 2. The local committee is arranging for entertainment, which will include excursions in and about Washington, receptions, and lectures.

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